

## **NOTICE OF ALLOWANCE**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 11/18/2008 has been entered. Claims 27-37 are pending.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 11/18/2008 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Examiner's Amendment***

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Julie Urvater on 2/17/2009.

The application has been amended as follows:

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(a) In the claim 31 at line 2, the limitation "a" in front of "the nucleic acid sequence set forth" was deleted and replaced with --the--.

(b) In the claim 32 at line 2, the limitation "a" in front of "the nucleic acid sequence set forth" was deleted and replaced with --the--.

(c) In the claim 33 at line 2, the limitation "a" in front of "the nucleic acid sequence set forth" was deleted and replaced with --the--.

(d) In the claim 34 at line 2, the limitation "a" in front of "the nucleic acid sequence set forth" was deleted and replaced with --the--.

### ***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance: the claims 27-37 are deemed in condition for allowance because no prior art was found teaching or suggesting the combination of SNPs as recited in the Groups 1-6 for positively detecting the presence of lung cancer in a sample in a single assay. The prior art does not recognize the association of these different specific SNPs in the various combinations with an increased specificity of detecting lung cancer as required in the claims. Accordingly, the claims are deemed novel and unobvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to CYNTHIA B. WILDER whose telephone number is (571)272-0791. The examiner can normally be reached on a flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (571) 272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GARY BENZION/

Supervisory Patent Examiner, Art Unit 1637